

REMARKS

In response to the non-final Official Action of March 3, 2010, claim 31 has been amended to overcome the rejections thereof under 35 USC §112. Claim 32 has been canceled. Furthermore, method claims 1, 8, 10, and 11 have been slightly amended to change the word “device” to “apparatus” and similar amendment has been made to independent claim 12 and dependent claims 14-29. Furthermore, independent claim 12 has been amended to recite not only a processor, but a memory comprising computer program code which, with the processor, causes the apparatus at least to perform the actions recited therein. This claim is still considered to be allowable, as well as dependent claims 14-29. No new matter is added.

Claim Rejections - 35 USC §112

At section 2, claims 31 and 32 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office asserts that claim 31 is a hybrid claim.

As amended, claim 31 is directed to a computer program product which comprises a computer-readable medium having computer program code embodied therein for use with a computer. This claim now specifically recites the code for performing recited actions previously referenced to claim 1. As such, claim 31 is no longer a hybrid claim.

Claim 32 has been canceled and therefore the rejection is moot.

Claim Rejections - 35 USC §101

At section 4, claim 32 is rejected under 35 USC §101 as directed to non-statutory subject matter. Claim 32 has been canceled and therefore the rejection is moot.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment.
The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee
deficiency required to submit this paper.

Respectfully submitted,

Dated: June 2, 2010

/Alfred A. Fressola/

Alfred A. Fressola
Attorney for Applicant
Reg. No. 27,550

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955